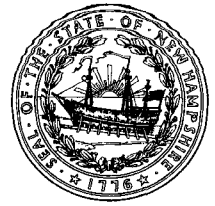




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-040**

April 27, 2006

J.S.M.C. Homes
4 Karen Drive
Dunbarton, NH 03045

RE: DES Wetlands File #2005-00843 New Hampshire Drive, Webster

Dear Mr. De Marias;

On February 23, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Webster Tax Map 10 as Lot 4-134 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection and upon further file review the following deficiencies were documented:

1. A Permit By Notification (PBN) file #2005-00843, was issued to J.S.M.C. Homes, Inc, on May 10, 2005, for the installation of an 18 inch by 40 foot culvert to provide driveway access to the subject lot.
2. The PBN issued to J.S.M. C. Homes, Inc. is not valid because the driveway location was changed to a location that did not require installation of the culvert. The culvert as existing is not being used for the approved purpose - to provide access to a single family residence. Use of the culvert as existing is not permissible under a PBN.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by the certified wetland scientist and include provisions to remove the 18 inch by 40 foot culvert and associated fill and restore the intermittent stream channel to its original condition on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales,

etc) and stabilization of the restoration area;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

4. Submit written authorization to DES from the current property owner to conduct restoration on their behalf.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 5061

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Webster Conservation Commission
Webster Board of Selectmen
USACOE
Roger Rodewald, Riverside Ecological Designs Inc.